



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

October 19, 2006

Ms. Penny J. Coleman
Acting General Counsel
National Indian Gaming Commission
1441 L Street NW, Suite 9100
Washington, D.C. 20005

RE: Comments on Electronic or Electromechanical Facsimile Definition

Dear Ms. Coleman:

Thank you for allowing the state of Texas the opportunity to review and comment on the National Indian Gaming Commission's (NIGC) proposed rules published as 25 CFR Parts 502 and 546.

In general, I support your effort to better define the distinction between Class II and Class III games as well as the use of electronic, computer, or other technologic aids at tribal gaming facilities. However, the proposed rules fail to recognize the interest of the individual states in the gaming activities of their Indian tribes. The NIGC should amend these proposed rules to give states due notice as to the gaming activities within their boundaries. Also, the backgrounds to the proposed rules fail to recognize the required judicial determination that the state has refused to negotiate a compact with the tribe in good faith. Due to these concerns, I have asked Texas Attorney General Greg Abbott to review these rules and provide his comments.

The state of Texas is home to three federally recognized tribes and, as governor, I look forward to continuing to recognize their sovereignty while upholding the principles and policies of the state as a whole. Please feel free to contact my office to discuss these issues further.

Sincerely,

Rick Perry
Rick Perry
Governor

RP:lsk

cc: The Honorable Greg Abbott

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